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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: FISHMAN=9B

re Application of:

Pnina FISHMAN et al

Appln. No.: 10/763,190

Filed: January 26, 2004

For: DIAGNOSTIC MARKERS FOR  
THERAPEUTIC TREATMENT

) Conf. No.: 6424  
)  
) Art Unit: 1645  
)  
) Examiner:  
)  
) Washington, D.C.  
)  
) September 14, 2004  
)  
)

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[ ] B. before the mailing date of a first office action on the merits or before the mailing of a first Office

action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

☒ C. Before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

☒ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☒ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

☐ ii. A check (check no. \_\_\_\_\_) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) state as follows under 37 CFR §1.97(e) for consideration of this IDS, that, upon

information and belief, each item of information listed herein was either

*(Check one of the boxes "a" and "b" below)*

- ☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

A check (check no. \_\_\_\_\_) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

[X] A. Document AA is a U.S. patent and/or published application. As this is a U.S. application filed after June 30, 2003, or an entry into national stage under 35 U.S.C. §371 after June 30, 2003, the requirement to file copies of such U.S. patents or published applications has been waived. (Office of Patent Legal Administration - Pre O.G. Notice of July 11, 2003).

☐ B. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

☐ C. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) \_\_\_\_\_ is (are) not in the English language. In accordance with §1.98(a)(3), Applicant(s) states:

☐ An English translation of each document \_\_\_\_\_ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached \_\_\_\_\_ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

☐ A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

☐ A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

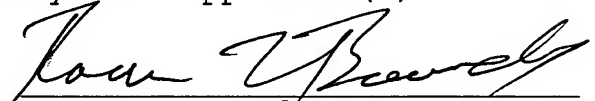
International Search Report for Application No. PCT/IL 03/0087

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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**Complete if Known**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/763,190
Filing Date	January 26, 2004
First Named Inventor	Prina FISHMAN et al
Group Art Unit	1645
Examiner Name	
Attorney Docket Number	FISHMAN=9B

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner  
Signature

Date  
Considered

\* **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/763,190
		Filing Date	January 26, 2004
		First Named Inventor	FISHMAN, Prina
		Group Art Unit	1645
		Examiner Name	
Sheet 2	2	Attorney Docket Number	FISHMAN=9B

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	AB	BAHARAV et al "The Effect of Adenosine and the A3 Adenosine Receptor Agonist IB-Meca on Joint Inflammation and Autoimmune Diseases Models" <u>International Journal of Molecular Medicine</u> , 10(1):S104 (2002)	
	AC	BAR-YEHUDA et al "Agonists to the A3 adenosine receptor induce G-CSF production via NF-kappaB activation: A new class of myeloprotective agents" <u>International Journal of Molecular Medicine</u> , 10(1):S100 (2002)	
	AD	BONVIN et al "Nuclear beta-catenin displays GSK-3beta- and APC-independent proteasome sensitivity in melanoma cells" <u>Biochim.Biophys.Acta.</u> , 1495:308-318 (2000)	
	AE	FANG et al "Phosphorylation and inactivation of glycogen synthase kinase 3 by protein kinase A." <u>Proc.Natl.Acad.Sci.</u> 97:11960-11965 (2000)	
	AF	FERKEY et al "GSK-3: New Thoughts on an Old Enzyme" <u>Dev.Biol.</u> , 225:471-479 (2000)	
	AG	FISHMAN et al "The A3 adenosine receptor: A new target for cancer therapy and chemoprotection" <u>International Journal of Molecular Medicine</u> , 6(1):S60 (2000)	
	AH	FISHMAN et al "Adenosine acts as a chemoprotective agent by stimulating G-CSF production: A role for A1 and A3 Adenosine Receptors" <u>Journal of Cellular Physiology</u> , 183(3):393-398 (2000)	
	AI	FISHMAN et al "Evidence for involvement of Wnt signaling pathway in IB-MECA mediated suppression of melanoma cells" <u>Oncogene</u> , 21(25):4060-4064 (2002)	
	AJ	HASKÓ et al "Adenosine receptor agonists differentially regulate IL-10, TNF-alpha, and nitric oxide production in RAW 264.7 macrophages and in endotoxemic mice." <u>Journal of Immunology</u> , 157(10): 4634-4640 (1996)	
	AK	MADI et al "High Expression of A3ARS in Melanoma and Colon Carcinoma Cel Lines: A Target for Tumor Cell Growth Inhibition" <u>Drug Development Research</u> , 56(4):560 (2002)	
	AL	OLAH et al "The role of receptor structure in determining adenosine receptor activity" <u>Pharmacol.Ther.</u> , 85:55-75 (2000)	
	AM	POULSON et al "Adenosine receptors: new opportunities for future drugs." <u>Bioorg.Med.Chem.</u> , 6:619-641 (1998)	

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.